IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 829 OF 2006
IN
CHAMBER SUMMONS NO. 1720 OF 2004
IN
SUIT NO. 1299 OF 2002

Shri Bhavarlal Nihalchand Jain & Ors. ... Appellants.

V/s.

Smt. Kamibai Premji Solanki ... Respondent.

Mr.Swapnil Bangur i/by M/s.L.J.Law for the Appelalnts.

Mr.K.K.Jadhav for the Respondent.

Mr. D.V.Deokar, 1st Asstt. to court receiver,-present.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 22nd NOVEMBER, 2006.

P.C.:

. We heard the counsel for the parties.

2. The Respondent has been in possession of the premises right from the date she was appointed as agent of the court. The officer from the office of the court receiver informs us that even on 26th of July, 2005, the possession was taken from the Respondent and that the respondent was restored possession. Prima facie, we are satisfied that the Respondent continued in possession all along and that nothing substantial has been placed

on record by the plaintiff to indicate that the defendant (respondent) parted with the possession.

3. Appeal is dismissed.

4. It is made clear that if at any point of time, the Respondent inducts any third party, she shall be liable to be removed from the said residential premises forthwith by the court receiver.

5. Order accordingly.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

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